

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:05CV262-MU-02

ALVIN WALTER WEST,
Petitioner,

v.

WILLARD JOBE, Supt.,
Respondent.

)
)
)
)
)
)
)
)
)

ORDER

THIS MATTER comes before the Court on petitioner's Petition Under 28 U.S.C. §2254 For Writ Of Habeas Corpus . . . ,” filed July 19, 2005.

By the subject Petition, the petitioner alleges that he was subjected to a violation of his privilege against double jeopardy by virtue of having been convicted of fraud and theft of certain credit cards which he previously was convicted of having possessed.

This Court's review of the Petition reflects that it is far from clear that the petitioner is entitled to relief on his claim; and that it is equally unclear whether the instant Petition even was timely filed in this Court. Nevertheless, out of an abundance of caution, the Court will direct the Attorney General to file an Answer or other response to the instant Petition. In particular, such Answer or response should address both the timeliness of this Petition and the claim which the

petitioner has raised therein.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That no later than forty (40) days from the receipt of this Order, the Attorney General for the State of North Carolina shall file an Answer as above directed; and

2. That the Clerk shall send a copy of this Order to the petitioner and to the North Carolina Attorney General.

SO ORDERED.

Signed: August 1, 2005

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

